

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

R.S. *et al.*,

Plaintiffs,

-v-

New York City Department of Education,  
*et al.*,

Defendants.

21-CV-2257 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendants (“NYDOE”) move for reconsideration of this Court’s Memorandum and Order resolving the Plaintiffs’ motion for judgment on the administrative record, resolving certain issues related to the pendency date of reimbursements under the IDEA for private school tuition. (Dkt. No. 39.) Specifically, NYDOE argues that this Court erred in fixing June 23<sup>rd</sup>, 2020, as the date from which NYDOE must provide tuition reimbursements to Plaintiffs.

Having reviewed the record and the parties’ memorandums of law, the Court concludes that NYDOE’s motion for this “extraordinary remedy” is moot. *Drapkin v. Mafco Consol. Grp., Inc.*, 818 F. Supp. 2d 678, 695 (S.D.N.Y. 2011). A September 14, 2022 findings of fact and decision (“FOFD”) awarded the Plaintiffs tuition reimbursements for July 1, 2020 to June 30, 2021. (See ECF No. 60.) A prior FOFD awarded Plaintiffs tuition reimbursements from the start of the 2019 school year up through June 30, 2020. A ruling on Defendants’ motion for reconsideration would therefore have no tangible impact: regardless, Defendants have already been ordered to provide tuition reimbursements for the time at issue.<sup>1</sup>

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<sup>1</sup> For the same reason, Plaintiffs’ late-stage request for pre- and post- judgment interest, introduced in their opposition to Defendants motion for reconsideration, is also denied.

Defendants' motion for reconsideration is therefore DENIED as moot. The Clerk of the Court is directed to close the motion at Docket Number 43.

SO ORDERED.

Dated: February 17, 2023  
New York, New York



J. PAUL OETKEN  
United States District Judge